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| STORK, KYLE R | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/540,190
Filing Date: June 20, 2005
Appellant(s): TAN ET AL.

Brian S. Myers
Reg. No. 46,947
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 21 May 2008 appealing from the Office
action mailed 27 December 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5708845

Wistendahl et al.

1-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 remain rejected under 35 U.S.C. 102(b) as being anticipated by Wistendahl et al. (US 5708845, patented 13 January 1998, hereafter Wistendahl).

As per independent claim 1, Wistendahl discloses a method of operating a recording device, the method comprising:

Storing a recording on a removable recording medium as commanded by a user of the recording device (column 3, lines 1-23; column 3, lines 38-47; column 9, lines 17-33: Here, a removable recording medium (disk) stores hot spot data specified by an author)

Adding interactivity to the recording as commanded by the user of the recording device (column 9, lines 17-33: Here, an author identifies hot spots to be linked, thereby providing interactivity)

Linking the recording and an interactive module based on the interactivity added to the recording (column 3, lines 1-23; column 9, lines 17-33)

As per dependent claim 2, Wistendahl discloses the method further comprising storing the interactive module on the removable recording medium (column 3, lines 38-47).

As per dependent claim 3, Wistendahl discloses the method further comprising storing an interactive link on the removable recording medium, the interactive link representative of the linking of the recording and the interactive module (column 3, lines 1-23 and 38-47).

As per claims 4-6, the applicant claims the recording device executing the method of claims 1-3 respectively. Claims 4-6 are similarly rejected.

(10) Response to Argument

The appellant's arguments are based upon the belief that Wistendahl fails to disclose adding interactivity to a recording and linking a recording and an interactive module based on the interactivity added to the recording (page 5).

The appellant begins by arguing that Wistendahl discloses use of an IDM (interactive digital media) program for reading an N data file (pages 5-6). The IDM in conjunction with the N data file adds hot spots to a recording. The appellant argues the use of the IDM and the N data file fail to teach adding interactivity to the recording (pages 5-6). However, the examiner respectfully disagrees. The recording (frame data) is displayed in conjunction with the N data file and the IDM, in order to add interactivity to the recording, without embedding the instructions within the recording itself (column 3, lines 24-37). Although the appellant's preferred embodiment may include embedding

the interactivity within the recording, the appellant's claimed limitations are silent as to this aspect. Therefore, the added interactivity may be stored external to the recording, as long as the recording is interactive. Therefore, Wistendahl's teaching of adding interactivity via an external program and data file constitutes adding interactivity to a recording. For these reasons, the appellant's argument is not persuasive.

The appellant further argues that the prior art fails to disclose linking the recording and an interactive module based on the interactivity added to the recording (page 6). Again, the examiner respectfully disagrees. For this argument, the appellant states that there, "is no teaching in Wistendahl of adding interactivity to the recording, therefore, there can be no linking of the recording based on the interactivity added to the recording (page 6)." However, as the examiner notes above, Wistendahl discloses adding interactivity to the recording. Therefore, this argument is not persuasive.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 2176

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Kyle R Stork/

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